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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,016	10/12/2001	Henry Kozlowski	6726-01	2665 7

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EXAMINER

HOEY, BETSEY MORRISON

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,016	Applicant(s) KOZLOWSKI, HENRY	
	Examiner HOEY, BETSEY	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 35-83 is/are allowed.
- 6) ☒ Claim(s) 24, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 25-31 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Ifill et al., U.S. Patent No. 5,019,256 (column 4, lines 24-35; column 6, lines 53-64). Ifill et al. teach an ultraviolet rack assembly including support for ultraviolet lamps, ballasts, and a power control panel, wherein the assembly is arranged to energize and control the ultraviolet lamps. The *structure* of the assembly of Ifill et al. is patentably indistinguishable from the *structure* of the ballast module of instant claim 24.

3. Claims 24, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz et al., U.S. Patent No. 5,660,719 (columns 7-9). Kurtz et al. teach an ultraviolet light apparatus comprising at least one ballast and an electrical means for powering and controlling a plurality of ultraviolet lamps supported on a base, or frame. The apparatus includes a microprocessor for controlling its operation, and also comprises means for sensing, or monitoring, functional status of the ultraviolet lamps. The apparatus of Kurtz et al. is inherently structurally capable of synchronizing voltage and current as recited in instant claim 32.

4. Claims 1-23 and 35-83 are allowed.

5. Claims 25-31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-23 and 35-83 are allowed, and claims 25-31 and 34 are objected to, but would be allowable if rewritten in independent form including all of the limitations of claims 24 and 25, because the prior art of record fails to teach, disclose, or fairly suggest a fluid treatment assembly having a ballast and ultraviolet lamp, a ballast connected to an ultraviolet lamp, a method of photochemically treating a fluid using a ballast and ultraviolet lamp, or a method of operating a ballast connected to an ultraviolet lamp, including a resonant circuit with a resonance frequency set in excess of 50 kHz. As described on page 5, lines 7-19 of the specification, the advantages of operating at frequencies in excess of 50 kHz include reducing the size of the inductor or transformer elements of the ballast, capacitive isolation, and improved power level adjustment of the ultraviolet lamp. These advantages are not recognized nor appreciated by the prior art of record.

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is (703) 305-3934. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Betsey M. Hoey
BETSEY MORRISON HOEY
PRIMARY EXAMINER
September 24, 2003